

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

DUPUIS et al

Serial No. 09/341,241

Filed: September 14, 1999

Atty Dkt. 2350-73

C# M#

Group Art Unit: 1619

Examiner: Sharareh

Date: February 20, 2001

Title: COSMETIC OR DERMATOLOGICAL COMPOSITION IN THE FORM OF A GEL,  
CONTAINING IN A MIXTURE AN ASSOCIATIVE COPOLYMER, A SURFACTANT  
AND A CONDITIONING AGENT

Assistant Commissioner for Patents

Washington, DC 20231

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

**Fees are attached as calculated below:**

Total effective claims after amendment 0 minus highest number  
previously paid for 20 (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment 0 minus highest number  
previously paid for 3 (at least 3) = 0 x \$ 80.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$270.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$390.00/2 months; \$890.00/3 months) \$ 110.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$710.00) \$ 0.00  
 Please enter the previously unentered , filed  
 Submission attached

Request for Continued Examination pursuant to 37 C.F.R. § 1.114 (\$710.00) \$ 0.00  
 Please enter the previously unentered , filed  
or  Required submission attached

**Subtotal** \$ 110.00

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00  
 This application is entitled to "Small entity" status.  "Small entity" statement attached.

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: \$ 0.00

**TOTAL FEE ENCLOSED** \$ 110.00

The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

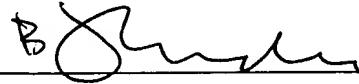
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NIXON & VANDERHYE P.C.  
By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

**DUPUIS et al**

Serial No. **09/341,241**

Filed: **September 14, 1999**



Atty. Ref.: **2350-73**

Group: **1619**

Examiner: **Sharareh**

For: **COSMETIC OR DERMATOLOGICAL COMPOSITION IN THE FORM OF A GEL, CONTAINING IN A MIXTURE AN ASSOCIATIVE COPOLYMER, A SURFACTANT AND A CONDITIONING AGENT**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**RESPONSE**

Responsive to the Official Action dated December 20, 2000, the applicants elect, with traverse, as a non-crosslinked copolymer the (meth)acrylic acid / ethyl acrylate/polyoxyethylenated stearyl methacrylate copolymers and, as a surface active agent, the (C8-C22) alkyl polyglucosides. In the event the Examiner requires an election of an insoluble conditioning agent, the applicants elect, with traverse, silicones.

The undersigned notes the Examiner required election of one of component (a), one of component (b), and one of component (c) of claim 1 during a teleconference on or about August 15, 2000. The applicants assume the Examiner no longer requires an election of a specific insoluble conditioning agent, as no requirement for the same was made in the Office Action of December 20, 2000. It is also assumed the Examiner has required an election of one of each of the components (a) and (b) of claim 1, as opposed to an election of either "species", as suggested at page 2 of the Office Action

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of December 20, 2000. The Examiner is requested to advise the undersigned however if anything further is required in this regard. The applicants submit that this is a *bona fide* attempt to be fully responsive to the Office Action and extensions of time to further reply are requested in the event the species election requirement has been misunderstood.

In any event, the applicants respectfully submit the species requirement should not be required as examination of all of the claimed subject matter would not be an undue burden on the Examiner. As noted by the Examiner, the applicants will be entitled to consideration of claims to additional species upon the allowance of a generic claim.

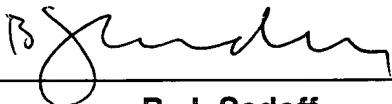
Claims 1 to 14 read on the elected species.

An early and favorable Action on the merits is requested.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:



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